

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 17, 2017 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Mary Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (R)
Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 59, 1/9/2017; SB 60, 1/9/2017; SB 61, 1/9/2017; SB 63, 1/9/2017; SB 64, 1/9/2017
Executive Action: SB 90-Do Pass As Amended

00:00:30 Chairman Regier

HEARING ON SB 59

Opening Statement by Sponsor:

00:01:55 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 59, Generally revise criminal justice laws.

[EXHIBIT\(jus12a01\)](#)

Proponents' Testimony:

00:08:38 Kris Hansen, member, Montana Commission on Sentencing

[EXHIBIT\(jus12a02\)](#)

00:13:19 Deb Matteucci, director, Montana Board of Crime Control

00:14:49 Carl Reynolds, senior legal counsel, Council on State Government Justice Center (CSGJC)

[EXHIBIT\(jus12a03\)](#)

00:17:35 Sheryl Wood, Montana Association of Counties

00:20:07 Mark Murphy, Montana County Attorneys Association

00:21:39 Steve Cape, Montana Coalition for Safety and Justice

00:22:12 Robin Turner, Montana Coalition Against Domestic and Sexual Violence

00:23:06 John Wilkinson, chairman, Lewis and Clark Advisory Council on Mental Health; member, Citizens Advisory Council for Lewis and Clark County Jail

00:27:19 S. K. Rossi, ACLU/Montana

Opponents' Testimony:

None

Informational Testimony:

00:28:50 Adrienne Slaughter, Montana Department of Corrections (DOC)

Questions from Committee Members and Responses:

00:29:15 Sen. Sands

00:29:25 Ms. Slaughter, DOC

00:31:09 Sen. Moe

00:32:04 Mr. Reynolds, CSGJC

00:33:22 Chairman Regier

00:33:43 Sen. Wolken

Closing by Sponsor:

00:35:19 Sen. Wolken

HEARING ON SB 60

Opening Statement by Sponsor:

00:35:38 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 60, Generally revise criminal justice laws.

Proponents' Testimony:

00:38:24 Carl Reynolds, senior legal counsel, Council on State Government Justice Center (CSGJC)

EXHIBIT(jus12a04)

00:40:43 Sheryl Wood, Montana Association of Counties

00:41:31 John Wilkinson, chairman, Lewis and Clark Advisory Council on Mental Health; member, Citizens Advisory Council for Lewis and Clark County Jail

Opponents' Testimony:

None

Informational Testimony:

00:42:58 Adrienne Slaughter, Montana Department of Corrections (DOC)

Questions from Committee Members and Responses:

00:43:19 Sen. MacDonald

00:43:45 Ms. Slaughter, DOC

00:45:15 Sen. Moe

00:45:28 Sen. Wolken

00:46:08 Sen. Moe

00:46:27 Ms. Slaughter

00:47:18 Annette Carter, re-entry program specialist, Montana Department of Corrections

00:50:03 Sen. Vincent

00:50:54 Mark Murphy, Montana County Attorneys Association

00:53:45 Sen. Hinkle

00:54:17 Sen. Wolken

00:55:32 Sen. MacDonald

00:56:01 Mr. Reynolds, CSGJC

00:58:11 Sen. Sands

00:58:33 Mark Pelka, Council on State Government Justice Center

01:02:15 Sen. Swandal

01:02:58 Sen. Wolken

Closing by Sponsor:

01:04:19 Sen. Wolken

HEARING ON SB 61

Opening Statement by Sponsor:

01:06:01 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 61, Require certain facilities providing behavioral health svcs to be lic by DPHHS.

Proponents' Testimony:

01:07:08 Carl Reynolds, senior legal counsel, Council on State Government Justice Center

[EXHIBIT\(jus12a05\)](#)

Opponents' Testimony:

None

Informational Testimony:

01:08:21 Adrienne Slaughter, Montana Department of Corrections

01:08:38 Mark Murphy, Alternatives Incorporated Pre-Release Center, Billings (AIPC)

01:09:05 Brian Watson, quality assurance division, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

01:09:32 Sen Swandal

01:10:02 Mr. Murphy, AIPC

01:12:11 Sen. Vincent

01:13:06 Mr. Watson, DPHHS

01:14:37 Sen. Vincent

01:15:08 Sen. Wolken

01:17:14 Sen. MacDonald

01:17:43 Sen. Wolken

01:19:42 Sen. Moe

01:20:11 Mr. Watson

01:21:09 Chairman Regier

01:21:30 Mr. Watson

Closing by Sponsor:

01:22:00 Sen. Wolken

HEARING ON SB 63

Opening Statement by Sponsor:

01:22:19 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 63, Revise laws related to supervision of offenders/defendants.

Proponents' Testimony:

01:24:50 Adrienne Slaughter, Montana Department of Corrections (DOC)
01:28:08 Carl Reynolds, senior legal counsel, Council on State Government Justice Center

EXHIBIT(jus12a06)

01:33:48 Peter Ohman, Montana Office of Public Defenders Office (OPD)
01:36:07 Steve Cape, Montana Coalition for Safety and Justice
01:39:33 S. K. Rossi, ACLU/Montana
01:41:16 John Wilkinson, chairman, Lewis and Clark Advisory Council on Mental Health, member, Citizens Advisory Council for Lewis and Clark County Jail
01:42:16 Sheryl Wood, Montana Association of Counties

Opponents' Testimony:

01:43:58 MaryAnn Ries, Pondera County attorney, Montana County Attorneys Association; member, Montana Commission on Sentencing
01:48:41 Mark Murphy, Montana County Attorneys Association, Montana (MCCA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA), Alternatives Incorporated Pre-Release Center (AIPC), Billings
01:48:06 Sen. Sales entered the hearing room.

Informational Testimony:

None

Questions from Committee Members and Responses:

01:59:50 Sen. Swandal
02:00:32 Sen. Wolken
02:01:54 Mr. Ohman, OPD
02:02:50 Sen. Swandal
02:03:28 Ms. Slaughter, DOC
02:03:52 Sen. Hinkle
02:05:04 Sen. Wolken
02:06:05 Sen. Gross
02:06:26 Ms. Slaughter

EXHIBIT(jus12a07)

02:09:12 Sen. MacDonald
02:10:34 Mr. Reynolds, CSGJC

02:13:01 Sen. Moe
02:14:05 Mr. Murphy, MCCA, MCOP, MPPA, AIPC

Closing by Sponsor:

02:20:06 Sen. Wolken

02:23:10 Recess
02:39:32 Reconvene

Sen. Sales left from the hearing room.

HEARING ON SB 64

Opening Statement by Sponsor:

02:39:43 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 64, Generally revise laws related to the board of pardons and parole.

Proponents' Testimony:

02:43:03 Carl Reynolds, senior legal counsel, Council on State Government Justice Center

[EXHIBIT\(jus12a08\)](#)

02:45:59 Adrienne Slaughter, Montana Department of Corrections
02:47:48 Gary Mihelish, self
02:53:49 Sheryl Wood, Montana Association of Counties
02:55:21 Steve Cape, Montana Coalition for Safety and Justice
02:58:25 S. K. Rossi, ACLU/Montana

Opponents' Testimony:

None

Informational Testimony:

02:59:53 Christine Slaughter, interim director, Board of Pardons and Parole (BOPP)

Questions from Committee Members and Responses:

03:00:21 Sen. Sands
03:00:28 Sen. Wolken
03:01:37 Sen. Swandal
03:02:11 Sen. Wolken
03:03:03 Sen. Hinkle
03:04:04 Sen. Wolken
03:05:01 Ms. Slaughter, BOPP
03:05:41 Sen. Moe
03:05:59 Ms. Slaughter

03:07:45 Sen. Wolken
03:12:56 Sen. Vincent
03:11:35 Sen. MacDonald
03:12:18 Ms. Slaughter
03:13:42 Sen. Wolken
03:15:06 Sen. Hinebaugh
03:15:21 Sen. Wolken

03:17:08 Sen. Moe (clarification from previous comment)

Closing by Sponsor:

03:16:30 Sen. Wolken

EXECUTIVE ACTION ON SB 90

03:19:44 **Motion:** Sen. Swandal moved that **SB 90 DO PASS.**

03:20:09 **Motion:** Sen. Swandal moved that **SB 90 BE AMENDED.**
EXHIBIT(jus12a09)

Discussion:

03:21:13 Sen. Sands
03:21:26 Sen. Swandal

03:21:38 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. S. Sales voted by proxy.

03:22:02 **Motion:** Sen. Swandal moved that **SB 90 DO PASS AS AMENDED.**

Discussion:

03:22:44 Sen. Vincent

03:22:57 **Vote:** Motion carried unanimously by roll call vote. Sen. Fielder and Sen. S. Sales voted by proxy.

ADJOURNMENT

Adjournment: 11:24 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus12aad.pdf](#))